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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,775	11/28/2000	David C. Wilkins	DIGIP023	7663
7590	04/14/2005		EXAMINER	
			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/724,775	WILKINS ET AL.	
	Examiner Joseph R. Pokrzywa	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 06 December 2004.
- 2a) This action is FINAL.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

<ol style="list-style-type: none"> <li>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol>
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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 12/6/04, and has been entered and made of record. Currently, **claims 1-18** are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 12/6/04 have been fully considered but they are not persuasive.
3. In response to applicant's arguments regarding the rejection of independent claims 1 and 11, which were cited in the Office action dated 9/3/04 as being anticipated by Parulski *et al.* (U.S. Patent Number 6,573,927), whereby applicant argues on page 6 that Parulski fails to teach of providing distributed multimedia assets, for example, providing the same images among a plurality of devices. Further, applicant defines "distributor multimedia assets" as a multimedia asset that has been distributed among at least one other device, be it local or non-local. The examiner notes that this definition of "distributed multimedia assets" is not found in the current claim language. Parulski teaches of digital images stored in a camera that can be combined with additional data (selected background, text, etc.) to generate a "creative image", as seen in Fig. 3. These images are transferred or distributed to a service provider 14, as read in column 4, lines 9-58, so they can be printed or stored. Thus, one can reasonably interpret the term "distributed multimedia assets" as these transmitted and/or distributed digital images. Additionally, dependent claim 6 further defines that "the multimedia asset is a digital image". Thus, Parulski

is seen to teach of synchronizing transmitted digital images, therein being equivalent to the required “distributed multimedia assets”.

4. Continuing, applicant argues on pages 6 and 7 that Parulski fails to teach of making modification of one of the images and automatically synchronizes the other images in the distributed multimedia assets whereby other distributable multimedia assets are updated. The examiner notes that the feature of updating other distributable multimedia assets, as argued, is not found in the claim, as currently worded. Particularly, claim 1 currently requires modifying a particular one of the set of distributed multimedia assets, and automatically synchronizing others of the set of distributed multimedia assets based upon the modifying step. Parulski can be interpreted as teaching modifying a particular one of the set of distributed multimedia assets (column 3, lines 5 through 62, wherein “creative backgrounds” and text messages can be selected and added to digital images, therein modifying the multimedia asset) and automatically synchronizing others of the set of distributed multimedia assets based upon the modifying step (column 4, lines 10 through 58, and column 6, lines 1 through 44, wherein other multimedia assets can be modified using the selected settings of background images and text, as read in column 6, lines 24-26, wherein the output is a synchronized image, having the original image data, synchronized with a creative background and text information).

5. Continuing, applicant argues on page 7 that Parulski fails to teach of providing an edit list which contains all the necessary information about how to perform reconstruction of the distributed multimedia asset. Further, applicant argues that the edit list may contain an optional list of editing operations that must be performed and is the glue that identifies all digital negatives and other multimedia assets that are needed to reconstruct the resulting image and the

script on how the digital negatives and other This “edit list” feature is not found in independent claims 1 and 11, but rather are first listed in dependent claims 2 and 12. As discussed in the Office action dated 9/3/04, Parulski teaches of generating an update edit list corresponding to the modifying step in column 3, lines 34 through 62, whereby the “utilization” file, which is further seen in Appendix I and II in columns 6-9, wherein the utilization file includes the “details of the order information...that identifies the order and includes pointers to the image files that store the images required to “fulfill” the order”, as read in column 6, lines 39-44). Thus, Parulski can be interpreted as providing an edit list that contains all the necessary information about how to perform reconstruction of the distributed multimedia asset.

6. Therefore, the rejection of *claims 1-18*, as cited in the Office action dated 9/3/04, under 35 U.S.C. 102(e) as being anticipated by Parulski *et al.* (U.S. Patent Number 6,573,927), are maintained and repeated in this Office action.

#### *Claim Rejections - 35 USC § 102*

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski *et al.* (U.S. Patent Number 6,573,927, hereinafter noted as Parulski'927, cited in the Office action dated 9/3/04).

Regarding *claim 1*, Parulski'927 discloses a method, in a distributed network (see Fig. 1B), for automatically synchronizing each of a set of distributed multimedia assets comprising modifying a particular one of the set of distributed multimedia assets (column 3, lines 5 through

62) and automatically synchronizing others of the set of distributed multimedia assets based upon the modifying step (column 4, lines 10 through 58, and column 6, lines 1 through 44).

Regarding *claim 2*, Parulski'927 discloses the method discussed above in claim 1, and further teaches of generating an update edit list corresponding to the modifying step (column 3, lines 34 through 62, interpreted as the "utilization" file, further seen in Appendix I in columns 6-9).

Regarding *claim 3*, Parulski'927 discloses the method discussed above in claim 2, and further teaches that the automatically synchronizing comprises forwarding the update edit list to the others of the set of distributed multimedia assets (column 3, line 45 through column 4, line 58), and modifying each of the others of the set of distributed multimedia assets based upon the forwarded update edit list (column 4, lines 10 through 58).

Regarding *claim 4*, Parulski'927 discloses the method discussed above in claim 1, and further teaches of generating a resultant multimedia asset corresponding to the modifying step, wherein the resultant multimedia asset is formed of a digital negative of the particular one of the set of multimedia assets (column 5, lines 15 through 50) and a corresponding edit list, wherein the edit list represents all modifications made to the digital negative (column 5, line 35 through column 6, line 26).

Regarding *claim 5*, Parulski'927 discloses the method discussed above in claim 4, and further teaches that the automatically synchronizing comprises replacing each of the others of the set of distributed multimedia assets with the resultant multimedia asset (column 3, lines 31 through column 4, line 64, and column 5, line 35 through column 6, line 45).

Regarding **claim 6**, Parulski'927 discloses the method discussed above in claim 1, and further teaches that the multimedia asset is a digital image (column 1, lines 23 through 26, and column 2, line 53 through column 3, line 44).

Regarding **claim 7**, Parulski'927 discloses the method discussed above in claim 6, and further teaches that the digital image is one of a plurality of associated digital images (column 6, lines 27 through 44, see Fig. 5)

Regarding **claim 8**, Parulski'927 discloses the method discussed above in claim 7, and further teaches that the plurality of associated digital images take the form of an album (column 3, lines 25 through 44, and column 4, lines 43 through 58).

Regarding **claim 9**, Parulski'927 discloses the method discussed above in claim 1, and further teaches that the edit list is one of a number of edit lists included in a catalog file (column 3, lines 5 through 44, and column 6, lines 1 through 45).

Regarding **claim 10**, Parulski'927 discloses the method discussed above in claim 9, and further teaches that each of the number of edit lists included in the catalog file are associated with a particular multimedia asset (column 6, lines 19 through 45).

Regarding **claim 11**, Parulski'927 discloses an apparatus, in a distributed network (see Fig. 1B), for automatically synchronizing each of a set of distributed multimedia assets (see abstract, column 4, lines 10 through 58, and column 6, lines 1 through 44), comprising a first means for modifying a particular one of the set of distributed multimedia assets (column 3, lines 5 through 62), and a second means for automatically synchronizing others of the set of distributed multimedia assets based upon coupled to the first means (column 4, lines 10 through 58, and column 6, lines 1 through 44).

Regarding *claim 12*, Parulski'927 discloses the apparatus discussed above in claim 11, and further teaches of a third means for generating an update edit list corresponding to coupled to the first means based upon the modifying (column 3, lines 34 through 62, interpreted as the "utilization" file, further seen in Appendix I in columns 6-9).

Regarding *claim 13*, Parulski'927 discloses the apparatus discussed above in claim 12, and further teaches of fourth means coupled to the third means for forwarding the update edit list to the others of the set of distributed multimedia assets (column 3, line 45 through column 4, line 58), and a fifth means coupled to the fourth means for modifying each of the others of the set of distributed multimedia assets based upon the forwarded update edit list (column 4, lines 10 through 58).

Regarding *claim 14*, Parulski'927 discloses the apparatus discussed above in claim 11, and further teaches of sixth means coupled to the first means for generating a resultant image corresponding to the modified multimedia asset wherein the resultant image is formed of a digital negative of the particular one of the set of multimedia assets (column 5, lines 15 through 50) and a corresponding full edit list, wherein the full edit list represents all modifications made to the digital negative (column 5, line 35 through column 6, line 26).

Regarding *claim 15*, Parulski'927 discloses the apparatus discussed above in claim 14, and further teaches that the automatically synchronizing comprises a seventh means coupled to the first means for replacing each of the others of the set of distributed multimedia assets with the resultant multimedia asset (column 3, lines 31 through column 4, line 64, and column 5, line 35 through column 6, line 45).

Regarding **claim 16**, Parulski'927 discloses the apparatus discussed above in claim 12, and further teaches that the multimedia asset is a digital image (column 1, lines 23 through 26, and column 2, line 53 through column 3, line 44).

Regarding **claim 17**, Parulski'927 discloses the apparatus discussed above in claim 16, and further teaches that the digital image is one of a plurality of associated digital images (column 6, lines 27 through 44, see Fig. 5)

Regarding **claim 18**, Parulski'927 discloses the apparatus discussed above in claim 17, and further teaches that the plurality of associated digital images take the form of an album (column 3, lines 25 through 44, and column 4, lines 43 through 58).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2622

jrp

